

# Regular Meeting of the City Council

Austin Tex March 4<sup>th</sup> 1884

Hon J W Robertson Alderman of 5 ward  
Presiding

Roll call present alderman Schneider Pellow  
Hancock Wells Campbell Max Dickill  
Crooker Odell Carrington G. S. Robertson Hill  
Plath Evin Brush and Brennen 16.  
absent aldermen Sutton Schubir and Underhill

Alderman Sutton and Underhill came in and  
answered to their names

Reading of the minutes of previous meeting  
was dispensed with

On motion of alderman Odell the leave  
of absence of W A Taylor mayor was extended  
to March 15<sup>th</sup> 1884.

Alderman Brush presented a petition from  
the trustees of the Swedish Lutheran Church  
stating that said church owned Lots 5 & 6 in  
Block 46 division E. and that the lots had been  
assessed for the taxes of 1883, as their church  
was built on said lots they asked that the tax  
be remitted

Referred to the Finance Committee

The report of the City Physician for Feb 1883 was  
read and ordered filed

A communication was received from  
the City Physician in regard to the City building  
a slaughter house and having all meat inspected  
to prevent the sale of diseased meat.

Referred to the Ordinance Committee

The following reports were received from  
the City Marshal which on motion were  
ordered filed

To the Honorable mayor and Board  
of aldermen of the City of Austin

Gentlemen

At the last meeting of your honorable body the petition of R. G. Duval which complains of certain hogs running at large and the report of the street committee on the same was referred to me the report of the committee referred me to the ordinance governing animals.

I would respectfully beg leave to report that I find under art 34 of the revised ordinance of this City that it was the duty of the City Marshal to establish a pound and impound all animals found running at large but I find that on the 19 day of March 1853, the City Council repealed article 34 and enacting an ordinance providing for the appointment of a pound master and providing that he shall establish a pound. I am unable to find any authority under which I can act as poundmaster.

I would therefore respectfully request further instructions from your honorable body in regard to the matter.

Very Respectfully

H. G. Lee.

City Marshal.

To the Honorable Mayor and Board of Aldermen  
of the City of Austin

Gentlemen

At your last meeting a petition and a report of the street Committee was referred to me in regard to certain obstructions in the streets I am requested to remove the same and place the streets in good order The petition does not state where the obstructions are or what streets are to be fixed.

I would therefore respectfully report that on account of the above reasons I have been unable to comply with the directions of the Council and herewith return the petition asking further instructions in regard to the matter.

Very Respectfully

H. G. Lee

City Marshal.

The following report was received from the City Marshal which was read and ordered filed

Austin Texas March 3 1884

To the Hon Mayor and Board of Aldermen  
of the City of Austin

Humble

At the last meeting of your honorable body Alderman Hancock offered a preamble and resolution which was adopted and which said resolution omitting the preamble reads as follows.

Be it Resolved that the City Marshal be and is hereby instructed to report in writing to the Council at its next regular meeting the causes which under said force are insufficient and to suggest measures to remedy the same

In accordance therefore with the instructions of said resolution I as City Marshal have given the subject matter of said resolution my best consideration and state that the causes to which are largely due the failure of the existing police force of Austin to come up to the expectations of the public may be classed under two heads both of which will probably affect the police force under any Marshal who may hereafter serve and which have largely effected me in my official duties and to a great extent crippled me in my efforts to serve the City and preserve its peace Under one of these heads may be stated the manner of appointing the police of the City who under the present charter and existing ordinances are appointed by and removed by the Board of Aldermen and thus are not directly accountable to the City Marshal who while held responsible for the efficiency of the Police is not vested with the power and authority to select and reject the material composing the same.

In my judgment no police force can be made thoroughly efficient in this City until their head in name shall be their head in fact and thus have the power to have it composed of persons who are in harmony with him

and his views and who having him and him alone to look to will not be guilty of insubordination and want of respect for their Chief as many of the present force have shown themselves to be.

The second cause of the inefficiency of the Police force lies largely in the fact that to a great extent I as its head have not received the moral support of the aldermen of this City in the performance of my duty but I and the Police under me have been made to feel that my every action would be scrutinized by unfriendly eyes anxious to seek occasion to blame.

I do not intend to imply by this that all the aldermen have thus acted for some I am glad to say have given me all the support I have felt due my position but there has been sufficient to have greatly impeded me in my efforts to do my full duty.

It may be that the same state of affairs will not occur again to any successor of mine but it has certainly been most unfortunate for me personally that my leading opponent for the position I hold by your suffrages should be a member of your body and seemingly disposed to carry toward me feelings of not of the most friendly character.

Having thus briefly pointed out what it seems to me are the main causes of inefficiency against the police force it becomes my duty to suggest a remedy and fear that in so doing I may be only able to dimly indicate what you in your superior wisdom may be able to more fully digest and mature.

As stated in the first portion of this report I have pointed out that I believe one principal cause of any inefficiency of the police is to be found in the manner of their appointment and discharge and this indicates what in my judgment is the remedy and that is that the power of appointing and discharging from the force should be taken from the board

of Alderman and left with the police committee and the City marshal who should be held strictly and directly responsible for the proper working of the force I am not prepared to say how far such a plan of appointment may conflict with the existing city Charter and ordinances under it upon the subject but feel satisfied that if such a change can be legally made it will result in great good In all other departments and bureaus select their own subordinates and sheriffs their deputies offer an apt illustration and it seems to me anomalous that the head of the force whose duty it is to protect the lives and property of the citizens should be denied the right to appoint such men as he may deem efficient and discharge those who he may find unfit But must accept men whose only qualification moral and physical may be subservient and timid ship to the alderman by whose efforts and influence he has received his appointment and to whom rather than to his nominal chief. He looks for orders advice and support

In view also of the fact that the police force is small in number some of whom are liable from sickness or other causes to be unable to perform their duties I would also recommend that the City Marshal be also authorized whenever any member of the police force is unable to attend to his duties to appoint some suitable person to fill his place so that the force may always be kept full

Hoping these suggestions may receive your favorable consideration I have the honor to subscribe my self

H. G. Lee

City Marshall

The following report was received from the City Attorney which was ordered filed

Austin Texas March 3 1884

To his honor the Mayor and City Council of the City of Austin

Gentlemen

In response to a resolution passed at your last regular meeting calling for my opinion as to the right of the City to lease to private persons the walk, for private purposes I desire to state that I fully concur in the opinion delivered by Mr Walton Sept 21 1882 holding that the City has no right to lease said property to private persons to be used for private purposes

Respectfully,

Geo F Pendexter

City Attorney

Austin Texas March 3<sup>d</sup> 1884

To the Hon Mayor and City Council of the City of Austin

Gentlemen

I would respectfully state that in my opinion the City is under no legal responsibility for the damage sustained by Mr J D Carroll on account of the accident by which his mule and wagon were injured and would therefore suggest that his claim be dismissed

Respectfully,

Geo. F Pendexter

City attorney

The report of the City Sexton for Feb 1884 was read and referred to the Cemetery Committee

The monthly report of the City Treasurer was read and referred to the Finance Committee

The report of the City Marshal for Feb 1884 was read and referred to the Police Committee

The following report of the Street Committee an ordinance amending art 174. 11 in regard to fast riding was adopted.

With the Street Committee to whom the above

ordinance was referred unanimously approve  
the same and respectfully urge that the same  
pass

R Platt Chairman  
J W Duskill  
W B Brush.

Street Committee

To the Hon Mayor and Board of Aldermen  
your Committee on street to whom was  
referred a petition of property owners on West  
Pecan Street would most respectfully report  
that we have examined the same and would  
recommend that the gutter be laid for the  
distance of 140 feet along West Pecan Street  
on north side beginning at the corner of  
San Antonio Street and running west toward  
the Creek said gutter to be laid as soon as  
the property owners put in their curbing for  
which grade have already been established

R Platt Chairman  
J W Duskill  
W B Brush

Street Committee

Report adopted

The following report was received from the  
Street Committee on an ordinance appropriating  
\$300 for improvements on Cedar and Cypress Street

We the street Committee respectfully  
recommend that the ordinance do pass

R Platt  
W B Brush.

To the Hon Mayor and members of the City  
Council

Gentlemen

We your street committee  
to whom was referred the within petition  
of property owners on and along Live Oak Street  
do an ordinance amending an ordinance granting  
the privilege of constructing a railroad up Hwy  
and all streets in the City would respectfully  
report that we have given the same particular  
attention and would recommend that in

view of the fact that said street is now one of the best in the City and that the construction of a rail road upon it would materially injure same as a drive as the condition of the road now constructed from beginning to end clearly demonstrates, and in view of the fact that there is a number of other streets that the road could be put on by which the Company could easily reach the point they have in view would recommend that the petition be granted and that the ordinance do pass.

Jno W. Dusell  
R Platt

The following report was received from the Finance Committee which was read and ordered filed

To the Hon Mayor and City Council  
of the City of Austin

The Finance Committee to whom was referred the two ordinances appropriating money to erect stables and purchase teams &c etc. beg leave to respectfully report that they have had the same under consideration Believing that the object in view can best be reached by combining some of the features of each ordinance. The committee report here with an ordinance as a substitute and recommend that the same do pass

Respectfully

J. W. Odell  
W. Mann  
Lewis Hancock  
Committee

Alderman Platt Chairman of the special committee of seven asked for further time as they were not ready to report. Further time granted

Alderman Crooker moved to suspend the regular order of business and take up an ordinance appropriating \$300. for street improvement as the ordinance had been referred to the Finance committee and they had not reported on the same Alderman Crooker moved that

the committee be excused from making a written report but report verbally motion adopted.

Ald Odell reported in as much as the Finance Committee had reported an ordinance appropriating money to purchase horses Cart & and to build a stable that they thought best not to appropriate \$300. for such improvements.

Ald Hancock moved to postpone action on the ordinance appropriating \$3000. for such improvement motion carried by the following vote yeas Aldermen Schneider pillow Hancock Underhill Maes J W Robertson Odell G Robertson Hill and Brush 10

Nays Aldermen Wells Campbell Driskill Crooker Platt Ervin and Brecken Sutor.

Alderman Brush called up an ordinance amending Article 479 (1) of the revised ordinance granting privilege to the Austin City R R Co the ordinance was read second time the motion to suspend the rules and read the ordinance third time was lost.

Alderman Brush called up an ordinance amending article 174 sec 1 of the revised ordinances of the City of Austin in regard to fast riding and driving the amendment provides that persons may drive <sup>or ride</sup> on San Bernard street in agility not to exceed twenty mile per hour and that "by the words" gait faster than ordinary" it means agility faster than ten miles per hour The ordinance was read second and third time under suspension of the rules and passed by the following vote. Yea's Aldermen Schneider Pillow Hancock Wells Campbell Underhill Maes J W Robertson Driskill Crooker Odell Carrington Geo L Robertson Hill Platt Ervin Brush and Brecken

Alderman Sutor came in and answered to his name

Alderman Odell for the Finance Committee offered an ordinance entitled an ordinance providing for the erection of stable and barns, and for the purchase of carts mules harness wagons scrapers plows etc. for the City of Austin and appropriating \$1000. for the same.

The ordinance was read second time under suspension of the rules.

Alderman Crooker moved to amend by striking out committee of three and insert street committee amendment lost.

Motion of Alderman Brush to strike out river work was lost.

Alderman Hancock moved to amend section 4 by adding to the words "who shall be responsible for the preservation and good condition of the building courts etc." above enumerated. The amendment was adopted.

The ordinance was read third time under suspension of the rules, and passed by the following vote. Yays alderman Schneider Hancock Sutor Pellow Wells Campbell Underhill Mads J. L. Robertson Distill Odell G. L. Robertson Hill Brush and Burnen. Nays alderman Crooker Carrington Platt and Ervin.

Alderman Odell for the Finance Committee offered an ordinance entitled an ordinance providing for the purchase of feed for the City horses and appropriating \$300. for the same.

The ordinance was read second and third times under suspension of the rules and passed by the following vote yays aldermen Schneider Sutor Pellow Hancock Wells Campbell Underhill Mads. J. W. Robertson Distill Odell G. L. Robertson Brush Hill and Burnen.

Nays aldermen Crooker Carrington Platt and Ervin.

The Finance Committee introduced an ordinance appropriating the sum of \$2,989.48 for the pay roll for Feb 1854 and approved accounts.

The ordinance was read second time under suspension of the rules.

The ordinance was then amended by striking out \$39<sup>25</sup> for D Anderson. The ordinance was read third time under suspension of the rules and passed by the following vote. Your aldermen Schneider, Sutton, Pillow, Hancock, Wells, Campbell, Underhill, made, J. W. Robertson, Driskill, Crooker, Odell, Carrington, Hill, Clark, Ervin, Brush and Brumley.

Alderman Driskill offered the following resolution

Be it Resolved by the City Council of the City of Austin.

1<sup>st</sup> That the present City Marshal H. G. Lee be and is hereby removed from office and that the office of City Marshal be and is hereby declared vacant.

2<sup>d</sup>. Be it further resolved that John Chinniss be and is hereby removed from the office of Sergeant of Police and that said office be and the same is hereby declared vacant.

3<sup>d</sup>. Be it further resolved that all of the Police force now in the service of the City be and they are hereby removed and their several positions are hereby declared vacant.

4<sup>th</sup> Be it further resolved that the City Council proceed at once to fill the office and positions made vacant by this resolution.

Alderman Pillow offered the following as a substitute

Be it Resolved by the City Council that the City Marshal has been derelict in his duty in not bringing before this Council and asking the immediate removal of all police officers who have failed to perform their duty and be it

Resolved that he has laid him self justly liable to censure for this failure to perform what this Council deem his privilege and duty and be it further Resolved that it is sense of this Council that no police officer will be retained in office who shows any disposition to antagonize or hamper the marshal in the performance of his duty or fails to cheerfully cooperate with him in the discharge of the same.

Alderman Hill offered the following as a substitute  
 Resolved That in view of the suggestion contained  
 in the communication received from the Marshal  
 and for the purpose of enabling the Council to  
 require of said Marshal a better organization  
 discipline and management of the police force  
 of the City so as to meet the just requirements  
 of the Citizens in a well organized police force  
 That in the selection of members of the police  
 hereafter that the wishes of the City Marshal  
 as to the personal of said force be consulted  
 and taken into consideration by the Council  
 Alderman Brunnen moved to lay both the substitutes  
 on the table motion to table carried by the  
 following Vote Yea aldermen Hill Hancock Wells.  
 Briskill Crooker Carrington Platt Ervin Brush and  
 Brunnen 10.

Nay. Alderman Schneider Pillow Campbell  
 Underhill made J W Robertson Odell H G Robertson  
 and Hill 9.

Alderman Brush offered the following  
 resolution as a substitute for the resolution  
 offered by Ald Briskill.

Be it Resolved that a committee of five  
 Aldermen be appointed to act in conjunction  
 with the City Attorney to enquire into the complaints  
 against the City Marshal and formulate charges  
 or articles of impeachment of said officer and  
 that said officer be served with a copy thereof  
 at least five days before time and that the same  
 be heard by the Council together with the  
 defense of said Marshal at its next regular meeting  
 The resolution was adopted.

His honor appointed as the Committee  
 Aldermen Brush Hill Hancock Crooker and Underhill

The following ordinances were read first time  
 by caption and referred

By Alderman Hancock for the paving on  
 the gutter on the north side of Pecan St between  
 Colorado and Lavaca St. to strict committee

By Ald Brush regulating the running at large of

of animals, and creating a pound master, and  
defining his duties To Ordinance committee

By Ald. Nease amending art 507 sect 3 of the  
revised ordinances referred to street Committee

By Ald. Ervin appropriating \$300 for improve-  
ments on Pecan st. to street Committee

By Ald. Hill to prohibit the abuse of telephone  
telegraph and electric poles within the City  
to street committee

On motion the Council adjourned

J. H. Purcell  
City Clerk